

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CHRISTINA LEFEVER,	:	
Plaintiff,	:	
v.	:	Case No. 3:21-cv-197
FLOW DRY TECHNOLOGY, INC.,	:	JUDGE WALTER H. RICE
Defendant.	:	

DECISION AND ENTRY OVERRULING WITHOUT PREJUDICE THE
JOINT MOTION FOR ENTRY OF FINAL JUDGMENT (DOC. #14);
WITHIN 15 DAYS, PARTIES SHALL EITHER FILE A REVISED
SETTLEMENT AGREEMENT AND REVISED MOTION FOR ENTRY
OF FINAL JUDGMENT, OR A JOINT NOTICE THAT THEY INTEND
TO PROCEED WITH THIS LITIGATION

On January 5, 2022, the Court overruled the parties' Joint Motion for Approval of Settlement Agreement, Doc. #10, because it contained a confidentiality provision and the parties had not articulated a compelling reason for their need for confidentiality. The proposed settlement agreement therefore failed to pass muster under Sixth Circuit law.


The parties then sought approval of a Revised Settlement Agreement, Doc. #11. Although the confidentiality provision had been omitted, the document was still titled "*Confidential* Settlement Agreement, Waiver and General Release," and the first line still read, "[t]his is *a confidential* settlement agreement." Doc. #11-1 (emphasis added).

On January 19, 2022, the Court issued a Decision and Entry, Doc. #12, approving the revised settlement agreement with certain caveats, including the excision of word “confidential” from the title of the document and from the first line, and the correction of the date in paragraph 17. The Court planned to issue a final judgment entry after those revisions were made.

On January 21, 2022, the parties filed a Joint Motion for Entry of Final Judgment, Doc. #14. Attached to that motion is a copy of the second revised settlement agreement. Although the parties made the specific revisions requested by the Court, they have also, inexplicably, *reinserted* a confidentiality provision in paragraph 8 of the settlement agreement. Doc. #14-1, PageID#81. That confidentiality provision runs afoul of Sixth Circuit law for the reasons previously explained in this Court’s January 5, 2022, Decision and Entry, Doc. #10.

Accordingly, the Court OVERRULES the Joint Motion for Entry of Final Judgment, Doc. #14, WITHOUT PREJUDICE. Within 15 days of the date of this Decision and Entry, the parties shall either: (1) file on the public docket a revised settlement agreement that complies with this Court’s previous orders, along with a revised joint motion for entry of final judgment; or (2) file a joint notice advising the Court that they have withdrawn from the settlement and the Court should proceed with this litigation.

Date: March 24, 2022



WALTER H. RICE
UNITED STATES DISTRICT JUDGE